

**BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA**

Application of Southern California Gas Company for Authority to Update Its Gas Revenue Requirement and Base Rates. (U 904 G)	Application 02-12-027 (Filed December 20, 2002)
Application of San Diego Gas & Electric Company for Authority to Update Its Gas and Electric Revenue Requirement and Base Rates. (U 902 M)	Application 02-12-028 (Filed December 20, 2002)
Investigation on the Commission's Own Motion Into the Rates, Operations, Practices, Service and Facilities of Southern California Gas Company and San Diego Gas & Electric Company.	Investigation 03-03-016 (Filed March 13, 2003)

**ADMINISTRATIVE LAW JUDGE'S RULING  
ON MOTION TO STRIKE PORTIONS OF THE  
OPENING BRIEF OF THE  
UTILITY REFORM NETWORK**

In order to assist with the prompt and accurate preparation of a proposed decision in the above captioned proceedings filed by Southern California Gas Company (SoCalGas) and San Diego Gas & Electric Company (SDG&E), it was Ruled as necessary to set a deadline for filing a "comparison exhibit." SoCalGas and SDG&E filed a motion on January 30, 2003 to strike specified portions of the January 20, 2004 Opening Brief of The Utility Reform Network (TURN) because the inclusion of those portions of TURN's Opening Brief violated the Administrative Law Judge's (ALJ) December 4, 2003 Ruling.

### **Required Filing in December 4, 2003 Ruling**

By Ruling, parties were “directed to separately file to demonstrate (1) their positions either in Support or Opposition of the Partial Settlement or Stipulation, and (2) their positions as litigated for the evidentiary hearings, in light of the record for this proceeding” (Opening Brief). It was further Ruled that “(p)arties may not introduce new information or analysis that is not already in the evidentiary record.” Parties were further directed, under the ALJ’s discretion in Rule 63, “to submit to applicants . . . their best efforts final calculation of any proposed adjustment to applicants’ request (their litigation positions) for test year 2004.” Lastly, it was Ruled that “(a)ny party that is unable to finalize a proposed adjustment that would be argued in the brief, other than the adjustments already proposed in their witnesses’ direct testimony, must provide an indicative estimate, with an adequate description, for inclusion in the Comparison Exhibit.”

### **Relief Sought by SoCalGas & SDG&E**

Reply Briefs are due to be filed February 19, 2004 and therefore SoCalGas and SDG&E request a shortening of the normal 15-day period to respond to the motion. TURN filed a timely Opening Brief on its litigation positions. The relief sought is to avoid the necessity to respond in Reply Briefs to issue that applicants argue TURN improperly included in its Opening Brief. SoCalGas and SDG&E argue that there are numerous and substantial recommendations for adjustments to SoCalGas’ rate request (final litigation positions) that TURN did not propose in its witnesses’ direct testimony or submit to SoCalGas/SDG&E for inclusion in the Comparison Exhibit. The specific portions to strike and the detailed arguments for this relief are in the Motion.

### **Reduction in Time and Scope of Response**

In light of the short time TURN and other interested parties are directed to file a response to the Motion by electronic service no later than 4:00 p.m. on February 6, 2004. SoCalGas and SDG&E may reply electronically no later than 10:00 a.m. on February 10, 2004. All responses and applicants' reply shall be filed with the Docket Office within two business days of the electronic service date.

Although SoCalGas and SDG&E cite to the rate case processing plan in the Motion these applications have not been litigated in compliance to that plan. TURN may consider any distinctions from the plan for this proceeding in its response. Specifically TURN should address why the Motion should not be promptly granted.

#### **IT IS RULED** that:

1. The Utility Reform Network and other interested parties must respond to Southern California Gas Company (SoCalGas) and San Diego Gas & Electric (SDG&E) Motion to Strike by electronic service on February 6, 2004.
2. SoCalGas and SDG&E may reply with electronic service on February 10, 2004 on or before 10:00 a.m.
3. All documents are to be electronically served in a text format that can be opened by Microsoft Word and not an image in "pdf" file format.
4. In accordance with the electronic service protocols adopted in this proceeding no hard copy of this ruling will be served on parties.
5. All filings with the Docket Office shall be hard copies in conformance with the Commission's Rules of Practice and Procedure and are due two business days after electronic service occurs.

Dated February 3, 2004, at San Francisco, California.

/s/ Douglas Long

Douglas M. Long  
Administrative Law Judge

## CERTIFICATE OF SERVICE

I certify that I have by mail and by electronic mail to the parties to which an electronic mail address has been provided, this day served a true copy of the original attached Administrative Law Judge's Ruling on Motion To Strike Portions of the Opening Briefs of The Utility Reform Network on all parties of record in this proceeding or their attorneys of record.

Dated February 3, 2004, at San Francisco, California.

/s/ Antonina V. Swansen  
Antonina V. Swansen

## N O T I C E

Parties should notify the Process Office, Public Utilities Commission, 505 Van Ness Avenue, Room 2000, San Francisco, CA 94102, of any change of address to insure that they continue to receive documents. You must indicate the proceeding number on the service list on which your name appears.

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The Commission's policy is to schedule hearings (meetings, workshops, etc.) in locations that are accessible to people with disabilities. To verify that a particular location is accessible, call: Calendar Clerk (415) 703-1203.

If specialized accommodations for the disabled are needed, *e.g.*, sign language interpreters, those making the arrangements must call the Public Advisor at (415) 703-2074, TTY 1-866-836-7825 or (415) 703-5282 at least three working days in advance of the event.